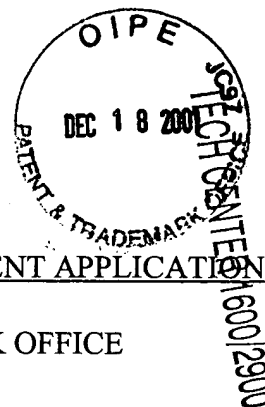


Amendment Under 37 C.F.R. §1.116  
Expedited Prosecution - Group Art Unit 1652



RECEIVED  
DEC 21 2001

35.C13982

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
: Examiner: E. Slobodyansky  
TETSUYA YANO ET AL. )  
: Group Art Unit: 1652  
Application No.: 09/430,029 )  
: Filed: October 29, 1999 )  
: For: DNA FRAGMENT CARRYING )  
TOLUENE MONOOXYGENASE :  
GENE, RECOMBINANT )  
PLASMID, TRANSFORMED :  
MICROORGANISM, METHOD )  
FOR DEGRADING :  
CHLORINATED ALIPHATIC )  
HYDROCARBON COMPOUNDS :  
AND AROMATIC COMPOUNDS, )  
AND METHOD FOR :  
ENVIRONMENTAL )  
REMEDICATION : December 6, 2001  
:

#13  
B.G.J  
12/26/01

Commissioner for Patents  
Washington, D.C. 20231

REQUEST FOR APPROVAL OF PROPOSED DRAWING CHANGES

Sir:

The Applicants respectfully request that the Examiner approve the change of designating Figure 15 to be Figure 1. A marked-up version of Figure 15 is enclosed to show the changes made thereto.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on

December 6, 2001

(Date of Deposit)

JASON M. OKUN

(Name of Attorney for Applicant)

Signature

December 6, 2001

Date of Signature

Entry hereof and an indication that the proposed changes have been approved are respectfully requested in the next Patent and Trademark Office communication..

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Attorney for Applicants

Registration No. 24947

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

NY\_MAIN 222723v1



Correspondence and Mail  
**BOX AF**

Docket No. 35.C1.1382  
Date: December 6, 2001

TECH CENTER 1600/2900

DEC 21 2001

RECEIVED

#14  
12/26/01

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: TETSUYA YANO ET AL.

Application No.: 09/430,029

For: DNA FRAGMENT CARRYING TOLUENE MONOOXYGENASE  
GENE, RECOMBINANT PLASMID, TRANSFORMED MICROORGANISM,  
METHOD FOR DEGRADING CHLORINATED ALIPHATIC  
HYDROCARBON COMPOUNDS AND AROMATIC COMPOUNDS,  
AND METHOD FOR ENVIRONMENTAL REMEDIATION

Filed: October 29, 1999

Group Art Unit: 1652

Commissioner for Patents  
Washington, D.C. 20231

RECEIVED  
DEC 20 2001  
TC 1700

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the  
decision dated June 6, 2001 of the Primary Examiner finally rejecting claims 1-48 and 55.

The item(s) checked below are appropriate.

1. ☒ A Petition for a three (3) month extension of time to respond to the final rejection,  
together with the \$ 920.00 extension fee under 37 C.F.R. §1.17, is filed herewith.
2. ☐ A Petition for an additional      month extension of time to take further action, together  
with the \$      extension fee under 37 C.F.R. §1.17, was filed on     .
3. ☒ Fee \$320.00  
☐ Fee \$160.00 (Verified Statement claiming small entity status is enclosed, if not filed  
previously.)

12/20/2001 CV0111 00000007 09430029

01 FC:119

320.00 OP

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first-class mail in an envelope addressed  
to: Commissioner for Patents, Washington, D.C. 20231 on  
December 6, 2001

(Date of Deposit)

PETER SAXON

(Name of Attorney for Applicant)

Peter Saxon  
Signature

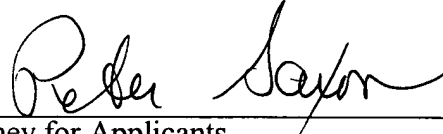
December 6, 2001  
Date of Signature

- ☒ Enclosed
- ☐ Not required (fee paid in prior appeal)
- ☐ Charge to Deposit Account No. 06-1205 (One additional copy of this Notice enclosed herewith)

4. ☒ Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 or 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205.

5. ☒ Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Attorney for Applicants

Registration No. 24947

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

NY\_MAIN 222733v1

DEC 27 2001

TECH CENTRE 1600/2900



Amendment Under 37 C.F.R. §1.116  
Expedited Prosecution - Group Art Unit 1652

35.C1398

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

: Examiner: E. Slobodyansky

TETSUYA YANO ET AL.

)  
: Group Art Unit: 1652

Application No.: 09/430,029

Filed: October 29, 1999

**For: DNA FRAGMENT CARRYING  
TOLUENE MONOOXYGENASE  
GENE, RECOMBINANT  
PLASMID, TRANSFORMED  
MICROORGANISM, METHOD  
FOR DEGRADING  
CHLORINATED ALIPHATIC  
HYDROCARBON COMPOUNDS  
AND AROMATIC COMPOUNDS,  
AND METHOD FOR  
ENVIRONMENTAL  
REMEDATION**

: December 6, 2001

Commissioner for Patents  
Washington, D.C. 20231

## NOTICE RE DEPOSIT OF MICROORGANISMS

Sir:

The above-identified application discloses a cell line which has been deposited with the National Institute of Bioscience and Human Technology, Agency of

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on

December 6, 2001

(Date of Deposit)

PETER SAXON

(Name of Attorney for Applicant)

(Name of A)

Peter Saxon

December 6, 2001

Signature

Date of Signature

Industrial Science and Technology, Ibaraki, Japan, under the following Accession No.:

FERM-BP-4235

The deposit has been made by Canon Kabushiki Kaisha, the present assignee, with the National Institute of Bioscience and Human Technology under the terms and conditions of the Budapest Treaty. A copy of the International Receipt form is in the filewrapper of copending Application No. 08/848,877. Access to the deposit will be accorded to the Commissioner upon request and any restrictions upon availability to the public will be irrevocably removed upon granting of any patent issuing on this application or any continuation, divisional or continuation-in-part applications. Maintenance of the deposit is assured for periods of time as specified in the Budapest Treaty.

Canon Kabushiki Kaisha will replace the cultures if any should become non-viable for a period of at least five (5) years after the most recent request for the furnishing of a sample deposited microorganism, for a period of at least thirty (30) years after the date of deposit or for the enforceable life of such patent, whichever is longer.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicants

Registration No. 24947

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200  
222725